

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-1(b)	
Robertson, Anschutz & Schneid, P.L. 6409 Congress Ave., Suite 100 Boca Raton, FL 33487 Telephone Number: 973-575-0707 Attorneys For Secured Creditor Laura Eggerman, Esq. (LE-8250)	Case No.: 17-15603-JKS Chapter 7 Judge: John K. Sherwood
In Re: MARK ANTHONY ANDREOTTIS, II a/k/a MARK ANDREOTTI d/b/a PRAETORIAN INVESTOR SERVICES, Debtor.	

LIMITED RESPONSE TO MOTION FOR ENTRY OF AN ORDER AUTHORIZING TRUSTEE TO SELL REAL PROPERTY FREE AND CLEAR OF ALL LIENS, CLAIMS, INTERESTS AND ENCUMBRANCES PURSUANT TO 11 U.S.C. §§363(b) and (f) AND THE INTEREST OF THE CO-OWNER PURSUANT TO 11 U.S.C. §363(h)

DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR INDYMAC INDX MORTGAGE LOAN TRUST 2005-AR12, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2005-AR12 ("Secured creditor"), by and through undersigned counsel, hereby files its Limited Objection to Motion for Entry of an Order Authorizing Trustee to Sell Real Property Free and Clear of All Liens, Claims, Interests and Encumbrances Pursuant to 11 U.S.C. §§363(b) and (f) and the Interest of the Co-owner Pursuant to 11 U.S.C. §363(h) ("Motion") (Docket #175) and, in support thereof, states as follows:

1. Secured Creditor holds a first lien on the subject property located at 811 Willow Avenue 1S (Unit #2), Hoboken, New Jersey 07030 (the "Property").
2. On September 18, 2018, Charles M. Forman, Chapter 7 Trustee ("Trustee") filed Motion for Entry of an Order Authorizing Trustee to Sell Real Property Free and Clear of All Liens, Claims,

Interests and Encumbrances Pursuant to 11 U.S.C. §§363(b) and (f) and the Interest of the Co-owner Pursuant to 11 U.S.C. §363(h) (“Motion”) and is seeking to sell the subject property for a sales price of \$580,000.00.

3. The estimated payoff of Secured Creditor’s lien is \$464,763.27 as of September 26, 2018. Secured Creditor will provide an updated payoff at or near the scheduled closing of the sale.

4. Secured Creditor does not object to the Trustee’s Motion to the extent that any sale is subject to Secured Creditor’s lien and that Secured Creditor’s lien will be paid in full at the closing of said sale based upon an up to date payoff quote.

5. Secured Creditor is filing its Response in an abundance of caution, as Secured Creditor wants it to be clear that it should not be compelled to participate in a sale of the property absent payment in full of Secured Creditor’s mortgage lien on the real property without being given the right to credit bid pursuant to 11 U.S.C. § 363(k).

6. Furthermore, Secured Creditor requests that failure to complete any sale within 90-days of entry of this Order will result in any Order authorizing the sale to be deemed moot.

7. Secured Creditor reserves the right to supplement this response at or prior to any hearing on this matter.

WHEREFORE, Secured Creditor respectfully requests entry of an order denying the Trustee’s Motion and for such other and further relief as the Court deems just and proper.

Robertson, Anschutz & Schneid, P.L.
Authorized Agent for Secured Creditor
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Boca Raton, FL 33487
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Facsimile: 561-997-6909

By: /s/ Laura Egerman
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Email: legerman@rasnj.com

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CERTIFICATION OF SERVICE AND PROOF OF MAILING

1. I, Laura Egerman, Esq., represent the Secured Creditor in the above-captioned matter.
2. On October 10, 2018, I caused a copy of the following pleadings and/or documents to the parties listed in the chart below: Limited Response to Motion for Entry of an Order Authorizing Trustee to Sell Real Property Free and Clear of All Liens, Claims, Interests and Encumbrances Pursuant to 11 U.S.C. §§363(b) and (f) and the Interest of the Co-owner Pursuant to 11 U.S.C. §363(h).
3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: October 10, 2018

/s/ Laura Egerman
Laura Egerman, Esq.

Name and Address of Party Served	Relationship of Party to Case	Mode of Service
Mark A. Andreottis No. 67620-050 USP Lewisburg Post Office Box 1000 Lewisburg, PA 17837	Debtor	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Carrie J. Boyle, Esq Boyle & Valenti Law, P.C. 10 Grove Street Haddonfield, NJ 08033	Attorney for Debtor	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Melissa Couch Andreottis 386 Brownstone Court Wyckoff, NJ 07481	Co-Owner	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Jeffrey Lester, Esq. Braverman & Lester 374 Main Street Hackensack, NJ 07601	Attorney for Melissa Couch Andreottis	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)

U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
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* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.